

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

The Bank of New York Mellon, f/k/a The
Bank of New York, as Trustee for Bear
Stearns Asset Backed Securities Trust 2007-
1, Asset-Backed Certificates, Series 2007-1

CIVIL ACTION NO: 1:19-cv-00248-DBH

Plaintiff

vs.

RE:

6 Allen Street, Rangeley, ME 04970

Richard A. Jones

Mortgage:
January 8, 2004
Book 2403, Page 170

Defendant

JUDGMENT OF FORECLOSURE AND SALE

Address: 6 Allen Street, Rangeley, ME 04970
Mortgage: January 8, 2004, Book: 2403, Page: 170
Property is vacant

This matter came before the Court pursuant to the Default entered on March 17, 2020 against Defendant, Richard A. Jones [ECF 22], Fed.R.Civ. P.55(b), this Court's Procedural Order dated June 17, 2020 [ECF 26], and the General Orders in response to the recent outbreak of Coronavirus Disease 2019 (COVID-19) in accordance with the *Pandemic/Infectious Disease Plan for the United States District Court for the District of Maine*. (March 2020).

Plaintiff, The Bank of New York Mellon, f/k/a The Bank of New York, as Trustee for Bear Stearns Asset Backed Securities Trust 2007-1, Asset-Backed Certificates, Series 2007-1 ("Bank of New York, as Trustee"), was represented by John A. Doonan, Esq. The Defendant did not appear or oppose Plaintiff's Motion for Default Judgment of Foreclosure and Sale.

All persons interested having been duly notified in accordance with the law, and after consideration of the Affidavits with supporting documentary evidence and Memorandum of Law in

Support of Plaintiff's Motion for Default Judgment on Documentary Evidence, the Plaintiff's Motion for Default Judgment of Foreclosure and Sale is **GRANTED**. [Count II – Breach of Note, Count III – Breach of Contract, Money Had and Received, Count IV – Quantum Meruit, and Count V – Unjust Enrichment are hereby **DISMISSED** without prejudice at the request of the Plaintiff.]

JUDGMENT on Count I – Foreclosure and Sale is hereby **ENTERED** as follows:

1. If the Defendant or his heirs or assigns pay The Bank of New York Mellon, f/k/a The Bank of New York, as Trustee for Bear Stearns Asset Backed Securities Trust 2007-1, Asset-Backed Certificates, Series 2007-1 (“Bank of New York, as Trustee”) the amount adjudged due and owing as of September 15, 2020 (deficiency is waived) (\$126,453.11) within 90 days of the date of the Judgment, as that time period is calculated in accordance with 14 M.R.S.A. § 6322, Bank of New York, as Trustee shall forthwith discharge the Mortgage and file a dismissal of this action on the ECF Docket. The following is a breakdown of the amount due and owing:

| Description | Amount |
|-----------------------|--------------|
| Principal Balance | \$76,660.04 |
| Interest | \$29,137.52 |
| Late Fees | \$28.98 |
| Escrow Advance | \$12,626.44 |
| Total Advance Balance | \$8,000.13 |
| Grand Total | \$126,453.11 |

2. If the Defendant or his heirs or assigns do not pay Bank of New York, as Trustee the amount adjudged due and owing (\$126,453.11) within 90 days of the Judgment, as that time period is calculated in accordance with 14 M.R.S.A. § 6322, their remaining rights to possession of the Rangeley Property shall terminate, and Bank of New York, as Trustee shall conduct a public sale of the Rangeley Property in accordance with 14 M.R.S.A. §

6323, disbursing the proceeds, first to itself in the amount of \$126,453.11 after deducting the expenses of the sale, with any surplus to be disbursed pursuant to Paragraph 5 of this Judgment, and in accordance with 14 M.R.S.A. § 6324. Bank of New York, as Trustee may not seek a deficiency judgment against the Defendant pursuant to the Plaintiff's waiver of deficiency in its Motion.

3. Pursuant to 14 M.R.S.A. § 2401(3)(F), the Clerk, if requested, shall sign a certification after the appeal period has expired, certifying that the applicable period has expired without action or that the final judgment has been entered following appeal
4. The amount due and owing is \$126,453.11 as of September 15, 2020.
5. The priority of interests is as follows:
 - The Bank of New York Mellon, f/k/a The Bank of New York, as Trustee for Bear Stearns Asset Backed Securities Trust 2007-1, Asset-Backed Certificates, Series 2007-1 has first priority, in the amount of \$126,453.11, pursuant to the subject Note and Mortgage and there are no parties-in-interest other than the Defendant who has second priority.
6. The pre-judgment interest rate is 8.37500%, see 14 M.R.S.A. § 1602-B, and the post-judgment interest rate is 8.59%, see 14 M.R.S.A. § 1602-C.
7. The following information is included in this Judgment pursuant to 14 M.R.S.A. § 2401(3):

| | PARTIES | COUNSEL |
|-----------|---|--|
| PLAINTIFF | The Bank of New York Mellon, f/k/a The Bank of New York, as Trustee for Bear Stearns Asset Backed Securities Trust 2007-1, Asset-Backed Certificates, Series 2007-1 700 Kansas Lane Monroe, LA 71203 | John A. Doonan, Esq. Reneau J. Longoria, Esq. Doonan, Graves & Longoria, LLC 100 Cummings Center Suite 225D Beverly, MA 01915 |

DEFENDANT

| | |
|--|---------------------|
| Richard A. Jones 6 Allen Street Rangeley, ME 04970 | Defaulted Pro Se |
|--|---------------------|

- a) The docket number of this case is 1:19-cv-00248-DBH.
- b) All parties to these proceedings received notice of the proceedings in accordance with the applicable provisions of the Federal Rules of Civil Procedure.
- c) A description of the real estate involved, 6 Allen Street, Rangeley, ME 04970, is set forth in Exhibit A to the Judgment herein.
- d) The street address of the real estate involved is 6 Allen Street, Rangeley, ME 04970. The Mortgage was executed by the Defendant, Richard A. Jones, on January 8, 2004. The book and page number of the Mortgage in the Franklin County Registry of Deeds is **Book 2403, Page 170.**
- e) This Judgment shall not create any personal liability on the part of the Defendant but shall act solely as an *in rem* judgment against the property, 6 Allen Street, Rangeley, ME 04970.

SO ORDERED

DATED THIS 25TH DAY OF SEPTEMBER, 2020

/s/D. BROCK HORNBY
D. BROCK HORNBY
U.S. DISTRICT JUDGE

EXHIBIT A

(6 Allen Street, Rangeley)

A certain lot or parcel of land, together with the buildings thereon, situated in the Town of Rangeley, in the County of Franklin and State of Maine, bounded and described as follows to wit:

Commencing on line of Allen Street at southeast corner of land formerly owned and occupied by Calvin D. Nile and running westerly on said Nile's southerly line six (6) rods, thence southerly parallel with said Allen Street three and one-half (3 ½) rods; thence easterly parallel with said Nile's south line six (6) rods to line of said Street; thence northerly on line of said Street three and one-half (3 ½) rods to point of beginning.

For source of title, see Warranty Deed from Barbara J. Jones to Richard A. Jones dated March 29, 2001, recorded in the Franklin County Registry of Deeds in Book 1997, Page 87, with further reference being made to a Quitclaim Deed from Barbara J. Jones dated January 4, 2002 and recorded in the said Registry in Book 2101, Page 156.

A life estate was reserved to Barbara J. Jones in said deeds. Said Barbara J. Jones died on September 27, 2015, thus terminating said life estate.

O:\Androtc\WPDOCS\FAY\WPDOCS\2017\0100\17-0124 Exhibit A.doc

EXHIBIT

A